

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

| | | |
|---------------------------------|---|-------------------------------|
| VOSK INTERNATIONAL CO., |) | No. 11-1488 RSL |
| |) | |
| Plaintiff, |) | DECLARATION OF MICHAEL ATKINS |
| |) | |
| vs. |) | NOTE ON MOTION CALENDAR: |
| |) | November 18, 2011 |
| ZAO GRUPPA PREDPRIYATIY OST and |) | |
| ZAO OST AQUA, |) | |
| |) | |
| Defendants. |) | |

Michael G. Atkins deposes and states:

1. I am attorney of record for plaintiff Vosk International Co. I make this declaration based on personal knowledge about which I am competent to testify.

2. On September 9, Vosk filed this action pursuant to 15 U.S.C. § 1071(b)(1) to appeal the U.S. Trademark Trial and Appeal Board's ("TTAB") final decision sustaining Defendants' opposition to Vosk's applications to register three trademarks with the U.S. Patent and Trademark Office, and for injunctive and other relief related to Defendants' infringement of Vosk's trademarks.

3. On information and belief, Defendants are Russian companies. Because the Russian government refuses to effect service on its citizens on behalf of United States plaintiffs through the Hague Convention, Vosk moved the Court for an order granting them leave to serve

DECLARATION OF MICHAEL ATKINS -- 1

No. 11-1488 RSL

ATKINS IP
93 South Jackson Street #18483
Seattle, WA 98104-2818
(206) 628-0983/Fax: (206) 299-3701

1 Defendants through alternative means, namely, via U.S. Mail to the U.S. lawyer who represented
2 Defendants in the TTAB action and to Defendants in Russia.

3 4. On October 14, the Court granted Vosk's motion. The Order states, in pertinent
4 part:

5 [T]he Court HEREBY ORDERS that Plaintiff in this case may serve Defendants
6 by delivering a copy of the summonses and complaint (both in English and
7 translated into Russian) via U.S. Mail to Maria Eliseeva, Esq., Houston Eliseeva,
LLP, 420 Bedford St., Suite 155, Lexington, MA 02420, and (2) Defendants in
Russia.

8 5. On October 17, Vosk served Defendants by delivering a copy of the summonses
9 and complaint (both in English and translated into Russian) to Ms. Eliseeva and Defendants via
10 U.S. Mail in accordance with the Court's Order. A true and correct copy of the Proof of Service
11 on Defendants that I completed and signed under penalty of perjury is attached hereto as
12 Exhibit A.

13 6. To date, Defendants have not appeared, answered (or filed any other pleading), or
14 otherwise defended themselves in this case. By my calculation, the time for Defendants to do so
15 expired on November 10 (considering that Federal Rule of Civil Procedure 12(a)(1)(A)(i)
16 provides 21 days to answer and Federal Rule of Civil Procedure 6(d) provides an additional three
17 days to answer when served by U.S. Mail).

18 7. I swear under penalty of perjury under the laws of the State of Washington and
19 the United States that the foregoing is true and correct.

20 DATED this 18th day of November, 2011.

21 

22
23 Michael G. Atkins

24
25
26 DECLARATION OF MICHAEL ATKINS -- 2

No. 11-1488 RSL

ATKINS IP
93 South Jackson Street #18483
Seattle, WA 98104-2818
(206) 628-0983/Fax: (206) 299-3701